

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC # _____
DATE FILED: 5/13/2016

CHRISTOPHER TOPPING, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,
v.

DELOITTE TOUCHE TOHMATSU CPA LTD.
and DELOITTE & TOUCHE LLP,

Defendants.

Case No. 14 Civ. 2814

**STIPULATION AND
~~PROPOSED~~ ORDER
OF DISMISSAL**

WHEREAS, on July 7, 2015, the Court stayed proceedings in the above-captioned case pending a decision of the United States Court of Appeals for the Second Circuit in the appeal of a related case also pending before this Court, entitled *Special Situations Fund III QP, L.P. v. Deloitte Touche Tohmatsu CPA, Ltd.*, No. 15-1813cv (the “*Special Situations* case”), and ordered that, within fourteen (14) days of the Second Circuit’s issuance of its mandate in the *Special Situations* case, Lead Plaintiff notify the Court and counsel for Defendants whether he intends to amend the complaint in the above-captioned case or voluntarily dismiss the above-captioned case;

WHEREAS, on April 8, 2016, the Second Circuit issued its summary order and judgment affirming the judgment of the Court dismissing the *Special Situations* case (the “Second Circuit Decision”);

WHEREAS, on May 2, 2016, the Second Circuit issued its mandate; and

WHEREAS, Lead Plaintiff agrees, and hereby informs Defendants and the Court, that absent review of the Second Circuit Decision by the United States Supreme Court, the above-captioned case should be dismissed with prejudice;

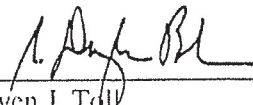
IT IS HEREBY ORDERED THAT the above-captioned case shall be dismissed with prejudice, without the need for further action by the Court or parties, upon the expiration of the time for the *Special Situations* plaintiffs to file a petition for writ of certiorari concerning the Second Circuit Decision, or, if the *Special Situations* plaintiffs timely file a petition for writ of certiorari, then upon the denial of such petition;

IT IS FURTHER ORDERED THAT the parties notify the Court when the time for the *Special Situations* plaintiffs to file a petition for writ of certiorari expires or any such petition is denied, so that the Clerk can be directed to close the above-captioned case; and

IT IS FURTHER ORDERED THAT, in the event the above-captioned case is dismissed in accordance with the above, each party shall bear its own costs and attorneys' fees.

Dated: May 10, 2016


COHEN MILSTEIN SELLERS & TOLL
PLLC

By: 
Steven J. Toll
Daniel S. Sommers
S. Douglas Bunch
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, DC 20005
(202) 408-4600

Attorneys for Lead Plaintiff Ronald D. Ordway

Dated: May 11, 2016

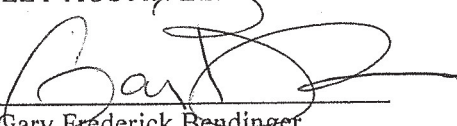
HUGHES HUBBARD & REED LLP

By: 
William R. Maguire
Savvas A. Foukas
Jesse L. Jensen
One Battery Park Plaza
New York, NY 10004-1482
(212) 837-6000

*Attorneys for Defendant Deloitte & Touche
LLP*

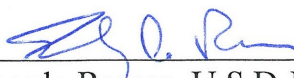
Dated: May 12, 2016

SIDLEY AUSTIN LLP

By: 
Gary Frederick Bendinger
787 Seventh Avenue
New York, NY 10019
(212) 839-5387

*Attorneys for Defendant Deloitte Touche
Tohmatsu CPA Ltd.*

SO ORDERED


Edgardo Ramos, U.S.D.J
Dated: 5/13/2016
New York, New York

gk